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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 DAVID BROWN,

12 Petitioner,

13 v.

14 PEOPLE OF THE STATE OF
15 CALIFORNIA,

16 Respondent.
17

No. 2:23-CV-1835-DMC-P

ORDER

18 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of
19 habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the Court is Petitioner's amended
20 petition, ECF No. 5.

21 "A petitioner for habeas corpus relief must name the **state officer** having custody
22 of him or her as the respondent to the petition." Stanley v. California Supreme Court, 21 F.3d
23 359, 360 (9th Cir. 1994); see also Rule 2(a), Federal Rules Governing Section 2254 Cases. As
24 with the original petition, which improperly named the People of the State of California as
25 Respondent, the amended petition improperly names the California Department of Corrections
26 and Rehabilitation as Respondent. Petitioner must name the individual state officer having
27 custody, which is the warden of Plaintiff's prison. Because Petitioner has not named the
28 appropriate state officer, Petitioner will be provided another opportunity to amend to correct this

1 technical defect by naming the correct respondent. See Stanley, 21 F.3d at 360. Petitioner is
2 warned that continued failure to comply with this order may result in the dismissal of this action.
3 See Local Rule 110.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Petitioner's amended petition for writ of habeas corpus, ECF No. 5, is
6 dismissed with leave to amend;
- 7 2. Petitioner shall file an second amended petition on the form employed by
8 this court, and which names the proper respondent and states all claims and requests for relief,
9 within 30 days of the date of this order; and
- 10 3. The Clerk of the Court is directed to send Petitioner the Court's form
11 habeas corpus application.

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13 Dated: March 15, 2024



14 DENNIS M. COTA
15 UNITED STATES MAGISTRATE JUDGE
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